

**IN THE DRAWINGS:**

Figure 1 has been amended as shown on the Replacement Sheet attached hereto.

## **REMARKS**

In the Office Action dated January 14, 2005, the drawings were objected to under 37 U.S.C. §1.84(p)(4) because the Examiner stated the term "network interface" has been used to designate both reference numerals 9 and 13. In Figure 1, however, the network interface was designated only with reference numeral 13, and reference numeral 9 was used to designate the communication network, as clearly indicated by the lead line from reference numeral 9 to the block labeled communication network. Nevertheless, the close proximity of the reference numeral 9 to the legend "network interface" may have caused some confusion, and therefore Figure 1 has been revised to move reference numeral 9 to a location that clearly and unambiguously designates the communication network 9.

The specification and claim 21 were objected to because of the use of the term "SAS phone" in claim 21. This was a typographical error, and claim 21 should have referred to "SMS phone." Claim 21 has now been corrected. Support for the use of an SMS phone in claim 21 is present in the specification as originally filed at page 4, lines 18-19, and page 7, lines 1-2.

Claims 1-14 were rejected under 35 U.S.C. §102(e) as being anticipated by Parker et al. Claim 15 was rejected under 35 U.S.C. §103(a) as being unpatentable over Parker et al in view of Choi. Claims 16-19 and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Parker in view of official notice being taken by the Examiner of the concept and advantages of using Instant Messaging Technology. Claims 20 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Parker et al in view of Shiigi.

These rejections are respectfully traversed for the following reasons.

Independent claim 1 as originally filed required a modality for acquiring examination *images*, a workstation for receiving the examination *images*, and a system connected to the workstation for transmitting the examination *images* to at least one remote location.

In substantiating the rejection of claim 1 based on the Parker et al reference, the Examiner cited various passages in the Parker et al reference, however, none of those passages describes the generation or transmission of images. The Parker et al reference is directed to a method and system for managing cardiac rescue events that make use of a base computer, a portable computer for use at the rescue scene, an automatic external defibrillator, and a communication interface that allows the portable computer to communicate with the base computer. Patient data and incident (event) data are acquired at the rescue scene with the portable computer and are associated with ECG rescue data and the data generated by the automatic external defibrillator. All data are then transmitted to the base computer, either via a radio channel or telephone lines.

Clearly the patient data and the numerical data that are transmitted fall into the category of text data, and cannot be considered as "image data." The only possible information in the Parker et al reference that might be (unjustifiably) interpreted as "image data" is the representation of the ECG. Applicants submit, however, that those of ordinary skill in the medical field do not normally consider an ECG trace or curve to be an "image," much less an "examination image," which is the precise term used in original claim 1. Nevertheless, claim 1 has been amended so that the first claim element thereof is "an imaging modality for acquiring medical examination images of an examination subject." This first element of claim 1 now

clearly refers to actual anatomical images of the subject, such as an x-ray image, MR image, CT image, ultrasound image, etc.

Even if the Examiner might have considered it justifiable to interpret "examination images" in claim 1 as originally filed as being broad enough to encompass an ECG trace, it is clear that the medical examination images as now described in claim 1 do not encompass an ECG curve.

Applicants acknowledge that the Examiner is required to give all terms in a claim their broadest reasonable interpretation, however, this does not give the Examiner license to arbitrarily interpret a term without providing some type of evidentiary support for the Examiner's interpretation. The term "imaging modality" is a familiar and well-understood term in the field of medical technology, as exemplified by the usage of that term in United States Patent No. 6,661,228 and United States Patent No. 6,603,494. Copies of the first page of each of those patents and the first page of the specification of each of those patents, wherein the term "imaging modality" is used and defined, are attached hereto. Complete copies of those patents are available electronically to the Examiner if the Examiner wishes to review more of the text thereof.

If the Examiner intends to maintain the position that a device that generates an ECG trace is an "imaging modality" as that term is commonly understood and used by those ordinary skill in the field of medical technology, the Examiner is requested to provide some type of evidentiary substantiation or support for the Examiner's position. In the absence of such evidence, Applicants respectfully submit that the fact that the Parker et al reference does not disclose or suggest the generation of medical examination images with an imaging modality is sufficient to

preclude the Parker et al reference from anticipating claim 1, or any of claims 2-14 depending therefrom.

As to the obviousness rejections based on the Parker et al reference under 35 U.S.C. §103(a), Applicants submit that there is no teaching or suggestion in the Parker et al reference or in any of the secondary references to employ an imaging modality to generate medical examination images, that are then transmitted from a workstation to a location remote from the workstation. Since the Parker et al reference does not disclose or suggest the transmission of medical images of an examination subject acquired with an imaging modality, neither the Parker et al reference nor any of the secondary references teaches allocating a call system to a workstation for transmitting messages to a remote location, together with data representing the medical images, as set forth in amended independent claim 1.

Therefore, even if the Parker et al reference were modified in accordance with the teachings of any of the secondary references, or the content of the "official notice" taken by the Examiner, the subject matter of claims 15-22 still would not result.

All claims of the application are therefore submitted to be in condition for allowance, and early reconsideration of the application is respectfully requested.

Submitted by,



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